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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHIP-TECH, LTD.,

Plaintiff, and on behalf of all
others similarly situated,

v.

PANASONIC CORPORATION, et al.,

Defendants.

Lead Case No. 3:14-cv-03264-JD

**PLAINTIFFS' JOINT STATUS REPORT ON
THE MOTION TO TRANSFER PENDING
BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

DEPENDABLE COMPONENT SUPPLY CORP.,

Plaintiff, and on behalf of all
others similarly situated,

v.

PANASONIC CORPORATION, et al.,

Defendants.

Case No. 3:14-cv-03300-JD

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiffs Chip-Tech, Ltd. ("Chip-Tech") and Dependable Component Supply Corp.
("Dependable") jointly submit this status report in compliance with the Court's Order re Consolidation
and Responses to Complaint (Dkt. No. 65).

1 Since Chip-Tech and Dependable first notified the Court that they had initiated the proceeding
2 before the Judicial Panel on Multidistrict Litigation (*In re: Capacitors Antitrust Litig.*, M.D.L. No. 2574) in
3 their Notice of Pendency of Other Action or Proceeding (Dkt. 39), the following events have transpired:

4 **I. Scheduling and Briefing**

5 On August 19, 2014, the Panel issued a Notice of Hearing Session that listed *In re: Capacitors*
6 *Antitrust Litig.* among the matters the Panel will consider at its hearing session in Louisville, Kentucky on
7 October 2, 2014.

8 On August 26, 2014, Chip-Tech and Dependable filed a Notice of Related Actions (M.D.L. No.
9 2574, Dkt. No. 69), advising the Panel of two additional cases for consideration in the multidistrict
10 litigation—*Schuten Electronics Inc. v. AVX Corporation et al.* (Case No. 3:14-cv-03698) and *Ellis et al. v.*
11 *Panasonic Corporation et al.* (Case No. 3:14-cv-03815)—both filed in this District and both of which this
12 Court has found related to this action (Dkt. Nos. 82, 94).

13 On August 28, 2014, Plaintiff eIQ Energy, Inc. filed a Response to the Motion to Transfer (M.D.L.
14 No. 2574, Dkt. No. 73). In its Response, eIQ Energy opposed transfer of its case to the Northern District
15 of California and requested that all the Capacitors Actions instead be transferred to the District of New
16 Jersey, where *eIQ Energy Inc. v. AVX Corp. et al.*, Case No. 2:14-cv-4826-ES-MAH, was then pending.

17 Also on August 28, 2014, certain Defendants in the Capacitors Actions filed another Response to
18 the Motion to Transfer (M.D.L. No. 2574, Dkt. No. 77).¹ The Defendants' Response agreed that the
19 Capacitors Actions should be centralized in a single forum and took no position on transfer as between the
20 Northern District of California and the District of New Jersey.

21 On September 4, 2014, Chip-Tech and Dependable filed a Response in support of its Motion to
22 Transfer requesting that all five Capacitors Actions be centralized in the Northern District of California.

23
24 ¹ Defendants joining the Response were: "AVX Corp., ELNA America, Inc., ELNA Co., Ltd., Hitachi
25 Chemical Co., Ltd., Hitachi Chemical Co. America, Ltd., Hitachi AIC Inc., KEMET Corp., KEMET
26 Electronics Corp., NEC TOKIN Corp., NEC TOKIN America, Inc., Nichicon (America) Corp., Panasonic
27 Corp., Panasonic Corp. of North America, SANYO Electric Co., Ltd. (incorrectly named in certain
28 complaints as Sanyo Electric Group, Ltd.), SANYO North America Corp. (incorrectly named in certain
complaints as Sanyo Electronic Device (U.S.A.) Corp.), ROHM Co., Ltd., ROHM Semiconductor U.S.A.,
LLC, Rubycon Corp., Rubycon America Inc., Samsung Electro-Mechanics Co., Ltd, Samsung Electro-
Mechanics America, Inc., Taiyo Yuden Co., Ltd., Taiyo Yuden (USA) Inc., TDK Corp., TDK-EPC Corp.,
TDK U.S.A. Corp., United Chemi-Con, Inc., and Vishay Intertechnology, Inc."

1 **II. Centralization in This District and Request for Dismissal of Multidistrict Proceeding**

2 Following the initiation of multidistrict litigation before the Panel, counsel for all direct purchaser
3 plaintiffs met and conferred. Those discussions produced a consensus that it would best serve the
4 interests of the direct purchaser class if the Capacitors Actions were to be centralized in the Northern
5 District of California.

6 On September 11, 2014, eIQ Energy dismissed without prejudice its action then pending before
7 the District of New Jersey and re-filed it in this District, noting this action as a related case on the civil
8 cover sheet (Case No. 5:14-cv-04123-PSG, Dkt. 1-1). A copy of the Notice of Voluntary Withdrawal in the
9 District of New Jersey is attached as Exhibit A, and the Order dismissing the District of New Jersey case
10 without prejudice is attached as Exhibit B. The new action filed in this District is captioned as *eIQ Energy*
11 *Inc. v. AVX Corporation*, Case No. 5:14-cv-04123-PSG.

12 On September 12, 2014, eIQ Energy filed a Notice of Supplemental Information in the
13 multidistrict litigation (M.D.L. No. 2574, Dkt. No. 96). The Notice advised the Panel of the dismissal and
14 re-filing of the *eIQ Energy* action. It further stated that because there are no longer any Capacitors Actions
15 pending other than in this District, Chip-Tech's and Dependable's Motion to Transfer is now moot. A
16 copy of the Notice of Supplemental Information is attached as Exhibit C.

17 On September 15, 2014, Chip-Tech and Dependable filed an Administrative Motion with the
18 Court requesting relation of the *eIQ Energy* action to the lead *Chip-Tech* action (Dkt. No. 99).

19 Dated: September 15, 2014

Respectfully submitted,

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1 **CERTIFICATE OF SERVICE**

2 I am over 18 years of age and am not a party to these proceedings or any of the actions that are the
3 subject of these proceedings. My business address is 505 Montgomery Street, Suite 625, San Francisco,
4 CA 94111.

5 I am readily familiar with Joseph Saveri Law Firm's practice for collection and processing of
6 documents for mailing with the United States Postal Service, and that practice is that the documents are
7 deposited with the United States Postal Service with postage fully prepaid the same day as the day of
8 collection in the ordinary course of business.

9 I am also readily familiar with Joseph Saveri Law Firm's practice for collection and processing of
10 documents for service via e-mail, and that practice is that the documents are attached to an e-mail and
11 sent to the recipient's e-mail account the same day as the date listed on the Certificate of Service.

12 This certificate of service concerns the following document(s):

13 **PLAINTIFFS' JOINT STATUS REPORT ON THE MOTION TO TRANSFER**
14 **PENDING BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

15 Pursuant to Civil Local Rule 5-1(h)(1), on Monday, September 15, 2014, I served a true and correct
16 copy of the document(s) on the following parties through the Electronic Court Filings system maintained
17 by the United States District Court for the Northern District of California and via email:

18 *[Recipient list begins on next page]*
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